



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. BILL
ATTORNEY GENERAL

January 8, 1975

The Honorable Ron Resech
Executive Director
Texas Cosmetology Commission
1111 Rio Grande
Austin, Texas 78701

Opinion No. H- 490

Re: Whether college
offering instruction
in cosmetology is
public or private for
purposes of regulation
by the Texas Cosmetology
Commission

Dear Mr. Resech:

You ask whether a certain college which offers instruction in cosmetology is public or private for purposes of regulation by the Texas Cosmetology Commission.

The Cosmetology Regulatory Act, V. T. C. S., art. 8451a, provides in section 12(b) that:

No person for compensation may conduct or operate a beauty shop, beauty culture school, wig salon, wig school, or any other place of business in which a practice of cosmetology, as defined in Section 1, is taught or practiced without first obtaining a license.

In section 2(1) of the Act "person" is defined as "any individual, association, firm, corporation, partnership, or organization." Thus, any private school which offers instruction in cosmetology must obtain a license from the Texas Cosmetology Commission. On the other hand, public schools which offer cosmetology programs need not obtain a license; instead they are required to have their facilities and equipment inspected and approved by the Commission's Director of Inspections before commencing operations. V. T. C. S. art. 8451a, § 26. "Public school" is defined in section 1(4) of the Act as follows:

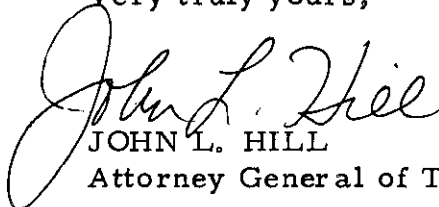
'Public school' includes public high school,
public junior college and any other state-supported
institution conducting a cosmetology program.

Thus, as defined in the Cosmetology Act, a public school is one which is state-supported, meaning that its operations are financed directly by public funds. See Attorney General Opinion M-199 (1968). The College about which you have inquired is not supported by public funds. It is a private non-profit, tax-exempt corporation. Its operating funds are raised from the fees charged its students for tuition and from private sources. Since it is a private rather than a public school, it must obtain a license from the Texas Cosmetology Commission before it can conduct a cosmetology program.

S U M M A R Y

As defined in the Cosmetology Act, a school
which is not directly supported by public funds
is not a public school for purposes of the Cosmetology
Act.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


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Opinion Committee